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Main Menu

Name: THOMAS O'HARA

User ID: 6K00EK

Last login Date: 10/4/2023 10:03:57 AM

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County: 02-MOBILE Case Number: CV-2023-901983.00
 Style: WILLIAM HARRISON ET AL V. TONYA FORDE ET AL
 Type: CONVERSION

Judge: BBH-BRANDY B HAMBRIGHT
 Filed: 09/22/2023
 Court Action:

Trial Type: B-BENCH
 Status: A-ACTIVE
 Track: F-FAST

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Case Information**Case Type**

County: 02-MOBILE
 Case Number: CV-2023-901983.00
 Style: WILLIAM HARRISON ET AL V. TONYA FORDE ET AL
 Filed: 09/22/2023
 Judge: BBH-BRANDY B HAMBRIGHT
 Trial Type: B-BENCH
 Appellate: 0
 CaseNumber:

Case Type: TOCN-CONVERSION
 Track:
 Case Status:
 Plaintiffs:
 Defendants:
 # of Trial days:
 # of Lien:

Court Action**Damages**

Disposition Judge : Amount: \$0.00
 Court Action: Compensatory: \$0.00
 Court Action Date: Punitive: \$0.00
 Judgment For: General: \$0.00
 Revised Judgment None:
 Date: Payment Frequency:
 Date Trial Began But No Verdict 1: Pay To:
 Date Trial Began But No Verdict 2: Cost Paid By:
 Mistrial:
 Appeal Date:

Comments

Comment 1:

Comment 2:

Appeal Information

| | | |
|----------------|------------------------|--------------------------|
| Appeal Date: | Appeal Case Number: | Appeal Court: |
| Appeal Status: | Origin Of Appeal: | |
| Appeal To: | Appeal To Description: | Lower Court Appeal Date: |
| 09/22/2023 | | |



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Main Menu

Name: THOMAS O'HARA User ID: 6K00EK Last login Date: 10/4/2023 7:37:08 AM

Monitor Case

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REAL TIME

Search

County: 02-MOBILE Case Number: CV-2023-901983.00
 Party Search Style: WILLIAM HARRISON ET AL V. TONYA FORDE ET AL
 Case Lookup Type: CONVERSION
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Trial Type: B-BENCH
Status: A-ACTIVE
Track: F-FAST

Case DHR Settings Parties Consolidated Case Action Summary Images Financial Motions Entire Case

Consolidated Case Action Summary 02-CV-2023-901983.00

| | Date | Time | Code | Comments | Operator |
|--|------------|-------------|-------|---|----------|
| | 09/22/2023 | 03:55:35 PM | ECOMP | COMPLAINT E-FILED. | WIN023 |
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| | 09/22/2023 | 03:56:06 PM | EORD | E-ORDER FLAG SET TO "Y" (AV01) | AJA |
| | 09/22/2023 | 03:56:07 PM | ASSJ | ASSIGNED TO JUDGE: BRANDY B HAMBRIGHT (AV01) | AJA |
| | 09/22/2023 | 03:56:08 PM | SCAN | CASE SCANNED STATUS SET TO: N (AV01) | AJA |
| | 09/22/2023 | 03:56:09 PM | TDMN | BENCH/NON-JURY TRIAL REQUESTED (AV01) | AJA |
| | 09/22/2023 | 03:56:10 PM | STAT | CASE ASSIGNED STATUS OF: ACTIVE (AV01) | AJA |
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| | 09/22/2023 | 03:56:12 PM | C001 | C001 PARTY ADDED: HARRISON WILLIAM (AV02) | AJA |
| | 09/22/2023 | 03:56:13 PM | C001 | INDIGENT FLAG SET TO: N (AV02) | AJA |
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| | 09/22/2023 | 03:56:15 PM | C001 | LISTED AS ATTORNEY FOR C001: BATTLE ROBERT EUGENE | AJA |
| | 09/22/2023 | 03:56:16 PM | C001 | LISTED AS ATTORNEY FOR C001: PLANT ADAM PATTERSON | AJA |
| | 09/22/2023 | 03:56:17 PM | C001 | LISTED AS ATTORNEY FOR C001: COMBEST MALLORY MORG | AJA |
| | 09/22/2023 | 03:56:18 PM | C001 | C001 E-ORDER FLAG SET TO "Y" (AV02) | AJA |
| | 09/22/2023 | 03:56:19 PM | C002 | C002 PARTY ADDED: CATHEXIS HOLDINGS, LP (AV02) | AJA |
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| | 09/22/2023 | 03:56:23 PM | C002 | LISTED AS ATTORNEY FOR C002: PLANT ADAM PATTERSON | AJA |
| | 09/22/2023 | 03:56:24 PM | C002 | LISTED AS ATTORNEY FOR C002: COMBEST MALLORY MORG | AJA |
| | 09/22/2023 | 03:56:25 PM | C002 | C002 E-ORDER FLAG SET TO "Y" (AV02) | AJA |
| | 09/22/2023 | 03:56:26 PM | D001 | D001 PARTY ADDED: FORDE TONYA (AV02) | AJA |
| | 09/22/2023 | 03:56:27 PM | D001 | INDIGENT FLAG SET TO: N (AV02) | AJA |
| | 09/22/2023 | 03:56:28 PM | D001 | LISTED AS ATTORNEY FOR D001: PRO SE (AV02) | AJA |



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Name: THOMAS O'HARA

User ID: 6K00EK

Last login Date: 10/4/2023 7:37:08 AM

Monitor Case

Print Case

REAL TIME

Search

County: 02-MOBILE

Case Number: CV-2023-901983.00

Judge:

BBH-BRANDY B HAMBRIGHT

Trial Type:

B-BENCH

Party Search

Style: WILLIAM HARRISON ET AL V. TONYA FORDE ET AL

Filed:

09/22/2023

Status:

A-ACTIVE

Case Lookup

Type: CONVERSION

Court Action:

Track:

F-FAST

UTC Lookup**SSN Enforcement****Attorney Search****Warrant Search****Witness Search****Docket Search****HotSheet™****Tracking****Attorney Tracker****Case Monitor****Name Tracker****Desktop****My Alacourt****My Attorney****Administration****Manage Firm Account****Update User Info**

| Case | DHR | Settings | Parties | Consolidated Case Action Summary | Images | Financial | Motions | Entire Case | |
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| | 09/22/2023 | 03:56:20 PM | C002 | INDIGENT FLAG SET TO: N (AV02) | | | | | AJA |
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| | 09/22/2023 | 03:56:23 PM | C002 | LISTED AS ATTORNEY FOR C002: PLANT ADAM PATTERSON | | | | | AJA |
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| | 09/22/2023 | 03:56:33 PM | D002 | LISTED AS ATTORNEY FOR D002: PRO SE (AV02) | | | | | AJA |
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| | 09/25/2023 | 10:07:55 AM | TRAC | CASE ASSIGNED TO: FAST TRACK (AV01) | | | | | JOD |
| | 09/25/2023 | 10:07:56 AM | DAT4 | FOR: CERT TO BE FILED ON 06/14/2024 @ 0900A (AV01) | | | | | JOD |
| + | 09/26/2023 | 08:08:40 AM | EMISC | RETURN ON SERVICE - SERVED E-FILED | | | | | BAT026 |
| | 09/29/2023 | 03:59:17 PM | D003 | D003 PARTY ADDED: FORDE STEVE (AV02) | | | | | AJA |
| | 09/29/2023 | 03:59:18 PM | D003 | INDIGENT FLAG SET TO: N (AV02) | | | | | AJA |
| | 09/29/2023 | 03:59:19 PM | D003 | LISTED AS ATTORNEY FOR D003: PRO SE (AV02) | | | | | AJA |
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| + | 09/29/2023 | 03:59:40 PM | EAMEN | AMENDED COMPLAINT E-FILED. | | | | | WIN023 |



Case

02

Date of Filing: 09/22/2023

Judge Code:

State of Alabama
Unified Judicial System
Form AR Civ-93 Rev. 9/18

**COVER SHEET
CIRCUIT COURT - CIVIL CASE**
(Not For Domestic Relations Cases)

GENERAL INFORMATION

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

WILLIAM HARRISON ET AL v. TONYA FORDE ET AL

First Plaintiff: Business Individual
 Government Other

First Defendant: Business Individual
 Government Other

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:

TORTS: PERSONAL INJURY

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonness
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: _____

TORTS: PERSONAL INJURY

- TOPE - Personal Property
- TORE - Real Properly

OTHER CIVIL FILINGS

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Service

OTHER CIVIL FILINGS (cont'd)

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP - Contempt of Court
- CONT - Contract/Ejectment/Writ of Seizure
- TOCN - Conversion
- EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
- CVUD - Eviction Appeal/Unlawful Detainer
- FORJ - Foreign Judgment
- FORF - Fruits of Crime Forfeiture
- MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB - Protection From Abuse
- EPFA - Elder Protection From Abuse
- QTLB - Quiet Title Land Bank
- FELA - Railroad/Seaman (FELA)
- RPRO - Real Property
- WTEG - Will/Trust/Estate/Guardianship/Conservatorship
- COMP - Workers' Compensation
- CVXX - Miscellaneous Circuit Civil Case

ORIGIN: F INITIAL FILING

A **APPEAL FROM DISTRICT COURT**

O **OTHER**

R **REMANDED**

T **TRANSFERRED FROM OTHER CIRCUIT COURT**

HAS JURY TRIAL BEEN DEMANDED? YES NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)

RELIEF REQUESTED:

MONETARY AWARD REQUESTED NO MONETARY AWARD REQUESTED

ATTORNEY CODE:

WIN023

9/22/2023 3:55:35 PM

/s/ HARLAN F WINN III

Date

Signature of Attorney/Party filing this form

MEDIATION REQUESTED:

YES NO UNDECIDED

Election to Proceed under the Alabama Rules for Expedited Civil Actions:

YES NO

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

WILLIAM HARRISON and)
CATHEXIS HOLDINGS, LP, a Texas)
Limited Partnership,)
Plaintiffs,)
v.) CIVIL ACTION NO.: _____
TONYA FORDE, and)
CKC PROPERTIES, LLC,)
Defendants.)

COMPLAINT

Plaintiffs William Harrison (“Harrison”) and Cathexis Holdings, LP (“Cathexis” and Harrison referred to together as “Plaintiffs”) and for their Complaint against Defendants Tonya Forde and CKC Properties, LLC, state as follows:

PARTIES

1. Plaintiff William Harrison is an individual older than 19 years.
2. Cathexis is a Texas limited partnership with its principal place of business in Texas. Harrison is the sole beneficial owner of Cathexis.
3. Defendant Tonya Forde is an individual older than 19 years who resides in Mobile County, Alabama. At the time of the events giving rise to the claims in this case, Tonya Forde resided in and committed the acts complained of herein in Alabama.
4. Defendant CKC Properties, LLC is a Mississippi limited liability company that owned real estate in Alabama. Based on sworn testimony of Steve Forde, Tonya Forde’s husband, at the time of the events giving rise to this case, CKC Properties LLC was owned by Tonya Forde.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this matter pursuant to ALA. CODE § 12-11-30 because the amount in controversy exceeds \$20,000.00.

6. Venue is proper in Mobile County, Alabama pursuant to ALA. CODE § 6-3-2 and Ala.R.Civ.P. 82 because the Defendant Tonya Forde resides in Mobile County, Alabama.

FACTUAL ALLEGATIONS

7. In April 2020, Tonya Forde was living in Baldwin County, Alabama with her husband Steve Forde, who also for her on her behalf and her agent.

8. In April 2020, Harrison and his business partner, Kristian Agoglia, entered into an agreement with Steve Forde whereby Harrison would pay \$6.66 million to Steve Forde and Steve Forde would provide 3 million KN95 respiratory masks, which were being sourced from China.

9. In connection with that agreement, Harrison arranged for his company, Cathexis, to wire Steve Forde \$6.66 million to an account at Pinnacle Bank ending in 4599, which was owned jointly by Steve Forde and Tonya Forde. The \$6.66 million was wired on April 9, 2020.

10. After the \$6.66 million was received by Steve and Tonya Forde, the agreement was modified whereby \$1 million would be returned to Harrison, and then Harrison would pay Steve Forde \$700,000 once the 3 million masks were delivered through US Customs, which was expected by April 17, 2020. Harrison directed that the \$1 million be wired back to the Cathexis account from which it came, which was done.

11. Ultimately, Steve Forde failed to deliver the 3 million masks as promised. Thereafter, Harrison demanded a return of the money and Steve Forde promised to do so, but never did.

12. On July 17, 2020, Harrison filed a lawsuit against Steve Forde in the United States District Court for the Southern District of Alabama, styled *William Harrison v. Steve James Forde*,

Civil Action No. 20-0360-N (the “federal court case”), asserting claims including breach of contract, fraud, conversion, and unjust enrichment.

13. In the federal court case, on March 24, 2021, Harrison propounded written discovery seeking, among other things, information on where the \$5.66 million went, and copies of bank records also showing where the funds went.

14. On May 5, 2021, Steve Forde responded to an interrogatory requesting how the funds were used by stating that the funds were used in connection with the agreement to purchase masks. Steve Forde failed to state that funds were used by his wife, Tonya Forde.

15. On May 17, 2021, Steve Forde produced bank statements for his Pinnacle Bank accounts ending in 4599 and 5821 for the months of April and May 2020. However, most of the debits and credits shown on the bank statements were redacted by Steve Forde, Tonya Forde and/or their agent.

16. On September 22, 2021, Harrison took the deposition of Steve Forde and asked him about the redacted bank statements. Steve Forde claimed that the redacted portions of the bank statements did not involve the funds at issue.

17. Later on September 22, 2021, Harrison’s attorneys received copies of the unredacted bank statements through a non-party subpoena to Pinnacle Bank. The records produced by Pinnacle Bank also showed that Tonya Forde was a joint owner of the account ending in 5821.

18. On September 23, 2021, Harrison’s attorneys took the deposition of Tonya Forde in the federal court case. Tonya Forde was shown copies of the unredacted bank statements from Pinnacle Bank.

19. In her deposition, Tonya Forde was asked about her knowledge of the transactions appearing on the bank statements. Tonya Forde generally denied knowledge of most of the transactions. In particular, Tonya Forde was asked about the payment out of account ending in 4899 to Lloyd & McDaniel in the amount of \$172,600. Tonya Forde testified that she did not know who Lloyd & McDaniel was. This testimony was false and intended to deceive Harrison so that he would not discover the truth.

20. In fact, Lloyd & McDaniel was a law firm that represented American Express in a lawsuit against Tonya Forde wherein a judgment was entered against Tonya Forde in the amount of \$420,432. Thereafter, Tonya Forde entered into a settlement agreement where she agreed to a Consent Judgment in the amount of \$420,432 but American Express would accept \$231,235 through monthly payments of \$6,500 made to Lloyd & McDaniel so long as she did not default on her monthly payments. Under the Consent Judgement, if she defaulted on the monthly payments, the balance of the \$420,432 judgment would be owed.

21. Tonya Forde made 9 monthly payments of \$6,500 to Lloyd & McDaniel before she went into default. Ultimately, she reached an agreement with American Express through Lloyd & McDaniel to pay off the Consent Judgment for \$172,600, which she did with the Plaintiffs' money.

22. Tonya Forde testified falsely in her deposition regarding her knowledge of Lloyd & McDaniel and the \$172,600 so that Harrison would not discover the truth regarding her wrongful use of his money. Harrison did not discover the truth regarding the \$172,600 until September 24, 2021, when his attorneys received information regarding the judgment from Lloyd & McDaniel.

23. On November 23, 2021, Harrison's attorneys took the deposition of Steve Forde regarding the unredacted transactions. In that deposition, Harrison discovered that Steve Forde

and Tonya Forde had spent approximately \$1.7 million of his money on their own personal expenditures.

24. The redactions on the bank statements were done by or on behalf of Tonya Forde with the intent to conceal the true facts so that Harrison would not discover that Tonya Forde had wrongfully misappropriated some of the funds to her own benefit. Steve Forde's interrogatory responses regarding the use of the money was false and intended to deceive so that Harrison would not discover the truth regarding where the money was spent, including by Tonya Forde.

25. In addition, Harrison discovered in the deposition of Steve Forde on November 23, 2021 that on April 10, 2020, \$385,000 of the funds wired at Harrison's direction were wired from Steve Forde's and Tonya Forde's account to CKC Properties, LLC. These funds, according to Steve Forde's testimony, were used to purchase residential rental real estate.

26. According to Steve Forde's sworn testimony, Tonya Forde was the sole owner of CKC Properties, LLC.

27. CKC Properties, LLC was the alter ego of Tonya Forde. The corporate identity of CKC Properties, LLC was a sham. As the sole owner of CKC Properties, LLC, Tonya Forde wrongfully transferred money from her account into an account of CKC Properties, LLC, and then subsequently used those funds to benefit herself, individually. Tonya Forde unjustly reaped the benefits of the wrongful transfer of Harrison's and/or Cathexis' funds.

28. Ultimately, \$1.7 million was spent on personal expenditures of Steve Forde and Tonya Forde. Neither Harrison nor Cathexis could have discovered the facts that Tonya Forde wrongfully benefited from the misappropriation of the Plaintiffs' funds until September 24, 2021 as it relates to the payment to Lloyd & McDaniel, and until November 23, 2021 when they had the opportunity to take Steve Forde's deposition and ask about the other transactions revealed in the

unredacted bank statements. Tonya Forde's conduct was intentional and fraudulent designed to conceal the truth and to prevent Harrison from discovering her wrongful conduct of misappropriating the Plaintiffs' money.

29. The federal court case against Steve Forde was tried to a jury the week of August 14, 2023. On August 18, 2023, a jury returned a verdict against Steve Forde and in favor of Harrison in the amount of \$1.1 million. Tonya Forde was not a party to the federal court case.

CAUSES OF ACTION

COUNT ONE - CONVERSION

14. Plaintiffs reallege the factual allegations of paragraphs 7-29 as if set forth here in full.

15. Tonya Forde wrongfully and intentionally converted Harrison's and/or Cathexis' personal property by wrongfully benefiting from, taking, detaining, interfering with and assuming ownership, dominion and control over it.

16. Harrison and/or Cathexis demanded the return of the money that was wired into the account jointly owned by Tonya Forde.

17. Tonya Forde, individually or through her agent, used these funds for her own purposes, including but not limited to paying off a judgment against her in the amount of \$172,500, and paying \$385,000 to her company, CKC Properties, LLC.

18. Neither Harrison nor Cathexis consented to Tonya Forde's conduct.

19. As a result of this conversion, Harrison and/or Cathexis has been damaged.

WHEREFORE PREMISES CONSIDERED, Plaintiffs demand a judgment against all Defendants for compensatory damages, punitive damages, prejudgment interest, attorneys' fees, costs, and all other damages for which Defendants are liable to Plaintiffs.

COUNT TWO – UNJUST ENRICHMENT

20. Plaintiffs reallege the factual allegations of paragraphs 7-29 as if set forth here in full.

21. Harrison and/or Cathexis wired \$5.66 million into an account jointly owned by Tonya Forde based upon representations that the money would be used to purchase KN95 masks as part of a business agreement.

22. Tonya Forde knew that the money was not hers but nonetheless used over \$557,600 for personal uses, including but not limited to paying \$172,600 to satisfy a judgment against her, and \$385,000 to CKC Properties LLC for the purchase of real estate or other personal purposes.

23. Tonya Forde and CKC Properties, LLC hold money and/or the value of such money, which in equity and good conscience belongs to Harrison and/or Cathexis.

WHEREFORE PREMISES CONSIDERED, Plaintiffs demand a judgment against all Defendants for compensatory damages, prejudgment interest, attorneys' fees, costs, and all other damages for which Defendants are liable to Plaintiffs.

COUNT THREE – MONEY HAD AND RECEIVED

24. Plaintiffs reallege the factual allegations of paragraphs 7-29 as if set forth here in full.

25. Tonya Forde had no right or claim to the funds provided to her by Harrison and/or Cathexis.

26. Tonya Forde had no right to use or appropriate these funds to her own personal use.

Tonya Forde and CKC Properties, LLC received money belonging to Harrison and/or Cathexis under circumstances that in equity and good conscience should not be retained by them because in justness or fairness it belongs to Harrison and/or Cathexis.

WHEREFORE PREMISES CONSIDERED, Plaintiffs demand a judgment against all Defendants for compensatory damages, prejudgment interest, attorneys' fees, costs, and all other damages for which Defendants are liable to Plaintiffs.

DATED this 22nd day of September, 2023

Respectfully submitted,

s/Harlan F. Winn, III

Harlan F. Winn, III (WIN023)

Robert E. Battle (BAT026)

Adam P. Plant (PLA005)

Mallory Morgan Combest (COM020)

*Attorneys for Plaintiffs William Harrison and
Cathexis Holdings, LP*

OF COUNSEL:

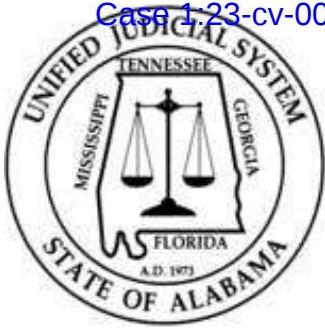
BATTLE & WINN LLP

2901 Second Avenue South, Suite 220
Birmingham, AL 35233
Telephone: (205) 397-8160
Facsimile: (205) 397-8179
Email: hwinn@battlewinn.com
rbattle@battlewinn.com
aplant@battlewinn.com
mmorgan@battlewinn.com

DEFENDANTS SHALL BE SERVED VIA PROCESS SERVER BY FILER:

Tonya Forde
3180 Riverview Pointe Drive
Theodore AL 36582

CKC Properties, LLC
c/o Corey Fore, Registered Agent
3180 Riverview Pointe Drive
Theodore AL 36582



AlaFile E-Notice

02-CV-2023-901983.00

To: HARLAN F WINN III
hwinn@battlewinn.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

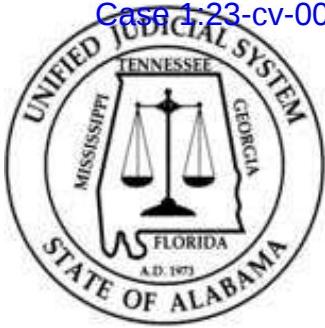
WILLIAM HARRISON ET AL V. TONYA FORDE ET AL
02-CV-2023-901983.00

The following complaint was FILED on 9/22/2023 3:55:40 PM

Notice Date: 9/22/2023 3:55:40 PM

SHARLA KNOX
CIRCUIT COURT CLERK
MOBILE COUNTY, ALABAMA
CIRCUIT CIVIL DIVISION
205 GOVERNMENT STREET
MOBILE, AL, 36644

251-574-8420
charles.lewis@alacourt.gov



AlaFile E-Notice

02-CV-2023-901983.00

To: TONYA FORDE
3180 RIVERVIEW POINTE DR
THEODORE, AL, 36582

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

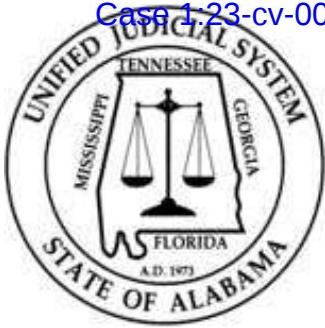
WILLIAM HARRISON ET AL V. TONYA FORDE ET AL
02-CV-2023-901983.00

The following complaint was FILED on 9/22/2023 3:55:40 PM

Notice Date: 9/22/2023 3:55:40 PM

SHARLA KNOX
CIRCUIT COURT CLERK
MOBILE COUNTY, ALABAMA
CIRCUIT CIVIL DIVISION
205 GOVERNMENT STREET
MOBILE, AL, 36644

251-574-8420
charles.lewis@alacourt.gov



AlaFile E-Notice

02-CV-2023-901983.00

To: CKC PROPERTIES, LLC
C/O COREY FORE
3180 RIVERVIEW POINTE DR
THEODORE, AL, 36582

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

WILLIAM HARRISON ET AL V. TONYA FORDE ET AL
02-CV-2023-901983.00

The following complaint was FILED on 9/22/2023 3:55:40 PM

Notice Date: 9/22/2023 3:55:40 PM

SHARLA KNOX
CIRCUIT COURT CLERK
MOBILE COUNTY, ALABAMA
CIRCUIT CIVIL DIVISION
205 GOVERNMENT STREET
MOBILE, AL, 36644

251-574-8420
charles.lewis@alacourt.gov

SUMMONS
- CIVIL -

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA
WILLIAM HARRISON ET AL V. TONYA FORDE ET AL

NOTICE TO: TONYA FORDE, 3180 RIVERVIEW POINTE DR, THEODORE, AL 36582

(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), HARLAN F WINN III ,

[Name(s) of Attorney(s)]

WHOSE ADDRESS(ES) IS/ARE: 2901 2nd Avenue South, Suite 220, BIRMINGHAM, AL 35233 .

[Address(es) of Plaintiff(s) or Attorney(s)]

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:

- You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.
 Service by certified mail of this Summons is initiated upon the written request below of pursuant to the Alabama Rules of the Civil Procedure.

09/22/2023

(Date)

/s/ SHARLA KNOX

(Signature of Clerk)

By:

(Name)

- Certified Mail is hereby requested.

(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

Certified Mail

- Return receipt of certified mail received in this office on _____ .
(Date)

Personal/Authorized

- I certify that I personally delivered a copy of this Summons and the Complaint or other document to in _____ County, Alabama on _____.
(First and Last Name of Person Served) (Name of County) (Date)

Document left:

- with above-named Defendant;
 with an individual authorized to receive service of process pursuant to Rule 4(c), Alabama Rules of Civil Procedure;
 at the above-named Defendant's dwelling house or place or usual place of abode with some person of suitable age and discretion then residing therein.

Return of Non-Service

- I certify that service of process of this Summons and the Complaint or other document was refused by in _____ County, Alabama on _____ who is:
(First and Last Name of Person Served) (Name of County) (Date)
 the above-named Defendant;
 an individual authorized to receive service of process pursuant to Rule 4(c), Alabama Rules of Civil Procedure;

- As a designated process server pursuant to Rule 4(i)(1)(B), Alabama Rules of Civil Procedure, I certify that I am at least 19 years of age, I am not a party to this proceeding, and I am not related within the third degree by blood or marriage to the party seeking service of process.

(Type of Process Server)

(Server's Signature)

(Address of Server)

(Badge or Precinct Number of Sheriff or Constable) (Server's Printed Name)

(Badge or Precinct Number of Sheriff or Constable) (Telephone Number of Designated Process Server)

SUMMONS
- CIVIL -

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA
WILLIAM HARRISON ET AL V. TONYA FORDE ET AL

NOTICE TO: CKC PROPERTIES, LLC, C/O COREY FORE 3180 RIVERVIEW POINTE DR, THEODORE, AL 36582

(Name and Address of Defendant)

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[Name(s) of Attorney(s)]

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(Server's Signature)

(Address of Server)

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(Badge or Precinct Number of Sheriff or Constable) (Telephone Number of Designated Process Server)

State of Alabama
Unified Judicial System
Form C-34 Rev. 7/2023

SUMMONS
- CIVIL -

Cc
02



IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA
WILLIAM HARRISON ET AL V. TONYA FORDE ET AL

NOTICE TO: CKC PROPERTIES, LLC, C/O COREY FORE 3180 RIVERVIEW POINTE DR, THEODORE, AL 36582

(Name and Address of Defendant)

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[Name(s) of Attorney(s)]

WHOSE ADDRESS(ES) IS/ARE: 2901 2nd Avenue South, Suite 220, BIRMINGHAM, AL 35233

[Address(es) of Plaintiff(s) or Attorney(s)]

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09/22/2023

(Date)

/s/ SHARLA KNOX

By:

(Name)

- Certified Mail is hereby requested.

(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

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- Return receipt of certified mail received in this office on _____

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Personal/Authorized

- I certify that I personally delivered a copy of this Summons and the Complaint or other document to

Corey Fore

(First and Last Name of Person Served)

in

Mobile

(Name of County)

County, Alabama on

25 Sep 2023

(Date)

Document left:

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Return of Non-Service

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in

County, Alabama on

who is:

(First and Last Name of Person Served)

(Name of County)

(Date)

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 an individual authorized to receive service of process pursuant to Rule 4(c), Alabama Rules of Civil Procedure;

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Private
(Type of Process Server)

Kerry Ann Clinewell
(Server's Signature)

216 Court House Street
(Address of Server)

Kerry Ann Clinewell
(Badge or Precinct Number of Sheriff or Constable)

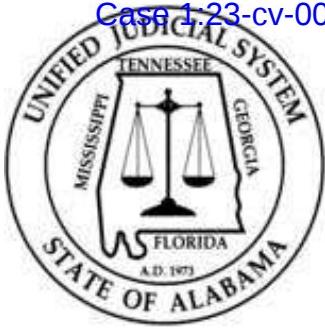
Kerry Ann Clinewell
(Server's Printed Name)

Bry Minster Al 36587
(Badge or Precinct Number of Sheriff or Constable)

251-709-1241
(Telephone Number of Designated Process Server)

Service Return Copy





AlaFile E-Notice

02-CV-2023-901983.00

To: ROBERT E BATTLE
rbattle@battlewinn.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

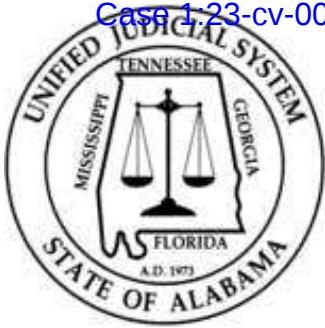
WILLIAM HARRISON ET AL V. TONYA FORDE ET AL
02-CV-2023-901983.00

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CIRCUIT CIVIL DIVISION
205 GOVERNMENT STREET
MOBILE, AL, 36644

251-574-8420
charles.lewis@alacourt.gov



AlaFile E-Notice

02-CV-2023-901983.00

To: FORDE TONYA (PRO SE)
3180 RIVERVIEW POINTE DR
THEODORE, AL, 36582-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

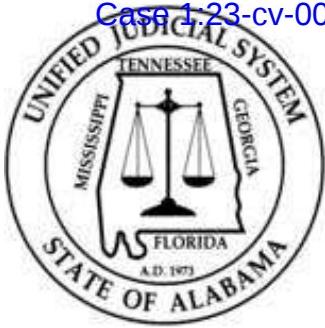
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AlaFile E-Notice

02-CV-2023-901983.00

To: CKC PROPERTIES, LLC (PRO SE)
C/O COREY FORE
3180 RIVERVIEW POINTE DR
THEODORE, AL, 36582-0000

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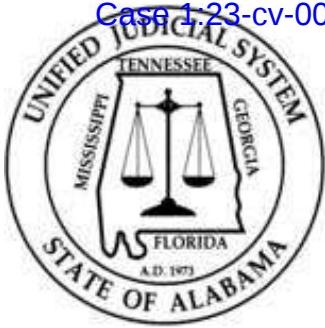
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charles.lewis@alacourt.gov



AlaFile E-Notice

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To: WINN HARLAN FRANK III
hwinn@battlewinn.com

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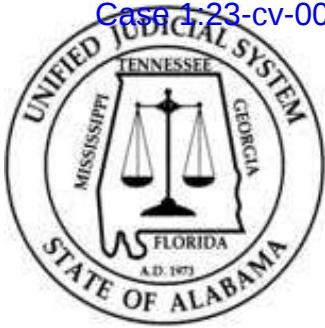
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charles.lewis@alacourt.gov



AlaFile E-Notice

02-CV-2023-901983.00

To: PLANT ADAM PATTERSON
aplant@battlewinn.com

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

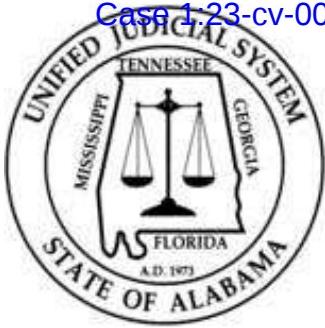
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charles.lewis@alacourt.gov



AlaFile E-Notice

02-CV-2023-901983.00

To: COMBEST MALLORY MORGAN
mmorgan@battlewinn.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

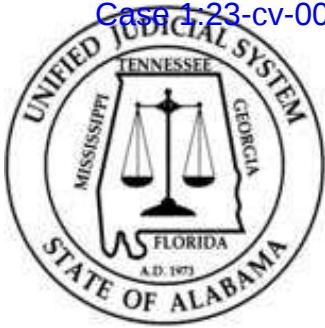
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To: ROBERT E BATTLE
rbattle@battlewinn.com

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

WILLIAM HARRISON and)
CATHEXIS HOLDINGS, LP, a Texas)
Limited Partnership,)
Plaintiffs,)
v.)
TONYA FORDE, CKC PROPERTIES,)
LLC, and STEVE FORDE,)
Defendants.)

CIVIL ACTION NO.: 02-CV-2023-901983

FIRST AMENDED COMPLAINT

Plaintiff William Harrison, individually and on behalf of a joint venture he is a party to, and Cathexis Holdings, LP, and for their First Amended Complaint against Defendants Tonya Forde, CKC Properties, LLC, and Steve Forde state as follows:

PARTIES

1. Plaintiff William Harrison is an individual older than 19 years.
2. Harrison entered into a joint venture with Kristian Agoglia (the “JV”) whereby the JV would buy personal protective equipment for resale to medical providers. Harrison brings this action in his individual capacity and on behalf of the JV.
3. Cathexis is a Texas limited partnership with its principal place of business in Texas. Harrison is the sole beneficial owner of Cathexis.
4. Defendant Tonya Forde is an individual older than 19 years who resides in Mobile County, Alabama. At the time of the events giving rise to the claims in this case, Tonya Forde resided in Baldwin County, Alabama. Tonya Forde committed the acts and omissions complained of herein in Baldwin County and Mobile County, Alabama.

5. Defendant CKC Properties, LLC is a Mississippi limited liability company that, at the times relevant to this lawsuit, was located and owned real estate in Mobile County, Alabama. Based on sworn testimony of Steve Forde, Tonya Forde's husband, at the time of the events giving rise to this case, CKC Properties, LLC was owned by Tonya Forde. In addition, CKC Properties, LLC received money that is the subject of this lawsuit into a bank account in Mobile County, Alabama and then used it to purchase property in Mobile County, Alabama. In addition, the registered agent of CKC Properties, LLC is Corey Fore, who resides in Mobile County, Alabama.

6. Defendant Steve Forde is an individual older than 19 years. At the time of the events giving rise to the claims in this lawsuit, Steve Forde resided in Baldwin County, Alabama and committed the acts and omissions complained of herein in Baldwin County and Mobile County, Alabama.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this matter pursuant to ALA. CODE § 12-11-30 because the amount in controversy exceeds \$20,000.00.

8. Venue is proper in Mobile County, Alabama pursuant to ALA. CODE § 6-3-2, 6-3-7, and Ala.R.Civ.P. 82 because the Defendant Tonya Forde resides in Mobile County, Alabama, CKC Properties, LLC's registered agent is located in Mobile County, Alabama, and acts and omissions complained of herein occurred in both Mobile County and Baldwin County, Alabama.

FACTUAL ALLEGATIONS

9. In April 2020, Tonya Forde was living in Baldwin County, Alabama with her husband Steve Forde, who also acted on her behalf and as her agent.

10. In March 2020, Harrison and Kristian Agoglia formed the JV. Under the JV agreement, Harrison was to provide capital and Agoglia would provide experience, industry knowledge and logistical support. Under the JV agreement, any money that was collected by the

JV would first go to Harrison to repay the capital provided by him, and then any profits would be split pursuant to an agreed upon division.

11. Under the JV agreement, both parties have the right to act separately and individually on behalf of the JV, including to bring this lawsuit.

12. On April 9, 2020, Harrison and Agoglia, and/or the JV entered into an agreement with Steve Forde whereby Harrison would pay \$6.66 million to Steve Forde and Steve Forde would provide 3 million KN95 respiratory masks, which were being sourced from China. Under the initial agreement, the masks were expected to be shipped by air from China on April 12, 2020. Both Harrison and Agoglia were authorized and acted on behalf of each other in connection with this mask transaction with Steve Forde.

13. In connection with that agreement, Harrison arranged for his company, Cathexis, to wire Steve Forde \$6.66 million to an account at Pinnacle Bank ending in 4599, which was owned jointly by Steve Forde and Tonya Forde. The \$6.66 million was wired on April 9, 2020.

14. After the \$6.66 million was received by Steve and Tonya Forde, the agreement was modified whereby \$1 million would be returned to Harrison, and then Harrison would pay Steve Forde \$700,000 once the 3 million masks were delivered through US Customs, which was expected by April 17, 2020. Harrison directed that the \$1 million be wired back to the Cathexis account from which it came, which was done.

15. By April 14, 2023, it was clear that the masks would not be delivered as promised by April 17, 2020. As such, Agoglia asked Steve Forde if the deal could be cancelled and Harrison's money returned. In response, Steve Forde stated that the order could not be cancelled and all of the money had been sent to China to purchase the masks at issue. This was not true.

16. Ultimately, Steve Forde failed to deliver the 3 million masks as promised. Thereafter, Harrison demanded a return of the money and Steve Forde promised to do so, but never did.

17. On July 17, 2020, Harrison filed a lawsuit against Steve Forde in the United States District Court for the Southern District of Alabama, styled *William Harrison v. Steve James Forde*, Civil Action No. 20-0360-N (the “federal court case”), asserting claims including breach of contract, fraud, conversion, and unjust enrichment.

18. In the federal court case, on March 24, 2021, Harrison propounded written discovery seeking, among other things, information on where the \$5.66 million went, and copies of bank records also showing where the funds went.

19. On May 5, 2021, Steve Forde responded to an interrogatory requesting how the funds were used by stating that the funds were used in connection with the agreement to purchase masks. Steve Forde failed to state that funds were used by his wife, Tonya Forde.

20. On May 17, 2021, Steve Forde produced bank statements for his Pinnacle Bank accounts ending in 4599 and 5821 for the months of April and May 2020. However, most of the debits and credits shown on the bank statements were redacted by Steve Forde, Tonya Forde and/or their agent.

21. On September 22, 2021, Harrison took the deposition of Steve Forde and asked him about the redacted bank statements. Steve Forde claimed that the redacted portions of the bank statements did not involve the \$5.66 million that was sent to purchase the masks.

22. Later on September 22, 2021, Harrison’s attorneys received copies of the unredacted bank statements through a non-party subpoena to Pinnacle Bank. The records

produced by Pinnacle Bank showed that Tonya Forde was a joint owner of the account ending in 5821.

23. On September 23, 2021, Harrison's attorneys took the deposition of Tonya Forde in the federal court case. Tonya Forde was shown copies of the unredacted bank statements from Pinnacle Bank.

24. In her deposition, Tonya Forde was asked about her knowledge of the transactions appearing on the bank statements. Tonya Forde generally denied knowledge of most of the transactions. In particular, Tonya Forde was asked about the payment out of the account ending in 4899 to Lloyd & McDaniel in the amount of \$172,600. Tonya Forde testified that she did not know who Lloyd & McDaniel was. This testimony was false and intended to deceive Harrison so that he would not discover the truth.

25. In fact, Lloyd & McDaniel was a law firm that represented American Express in a lawsuit against Tonya Forde wherein a judgment had been entered against Tonya Forde in the amount of \$420,432. Thereafter, on May 25, 2019, Tonya Forde entered into a settlement agreement where she agreed to a Consent Judgment in the amount of \$420,432 but American Express would accept \$231,235 through monthly payments of \$6,500 made to Lloyd & McDaniel so long as she did not default on her monthly payments. Under the Consent Judgement, if she defaulted on the monthly payments, the balance of the \$420,432 judgment would be owed.

26. Tonya Forde made 9 monthly payments of \$6,500 to Lloyd & McDaniel before she went into default. Ultimately, she reached an agreement with American Express through Lloyd & McDaniel to pay off the Consent Judgment for \$172,600, which she did with the money sent for the masks.

27. Tonya Forde testified falsely in her deposition regarding her knowledge of Lloyd & McDaniel and the \$172,600 so that Harrison would not discover the truth regarding her wrongful use of his money. Harrison did not discover the truth regarding the \$172,600 until September 24, 2021, when his attorneys received information regarding the judgment from Lloyd & McDaniel.

28. On November 23, 2021, Harrison's attorneys took the deposition of Steve Forde regarding the unredacted transactions. In that deposition, Harrison discovered that Steve Forde and Tonya Forde had spent approximately \$1.7 million of his money on their own personal expenditures.

29. The redactions on the bank statements were done by or on behalf of Tonya Forde with the intent to conceal the true facts so that Harrison would not discover that Tonya Forde had wrongfully misappropriated some of the funds to her own benefit. Steve Forde's interrogatory responses regarding the use of the money was false and intended to deceive so that Harrison would not discover the truth regarding where the money was spent, including by Tonya Forde.

30. In addition, Harrison discovered in the deposition of Steve Forde on November 23, 2021 that on April 10, 2020, \$385,000 of the funds wired at Harrison's direction were wired from Steve Forde's and Tonya Forde's account to CKC Properties, LLC's account at Merchants and Marine Bank. The address for CKC Properties, LLC on its bank statement for its account at Merchants and Marine Bank was P.O. Box 91866, Mobile, Alabama 36691-1866, and its address listed on its checks on this account was 1240 Murray Hill Court, Mobile, Alabama 36606. These funds, according to Steve Forde's testimony, were used to purchase residential rental real estate in Mobile County, Alabama.

31. According to Steve Forde's sworn testimony, Tonya Forde was the sole owner of CKC Properties, LLC.

32. CKC Properties, LLC was the alter ego of Tonya Forde. The corporate identity of CKC Properties, LLC was a sham. As the sole owner of CKC Properties, LLC, Tonya Forde wrongfully transferred and/or had transferred on her behalf, money from her account into an account of CKC Properties, LLC, and then subsequently used those funds to benefit herself, individually. Tonya Forde unjustly reaped the benefits of the wrongful transfer of Harrison's and/or Cathexis' funds.

33. Ultimately, \$1.7 million was spent on personal expenditures of Steve Forde and Tonya Forde. Neither Harrison nor Cathexis could have discovered the facts that Tonya Forde wrongfully benefited from the misappropriation of the Plaintiffs' funds until September 24, 2021 as it relates to the payment to Lloyd & McDaniel, and until November 23, 2021 when they had the opportunity to take Steve Forde's deposition and ask about the other transactions revealed in the unredacted bank statements. Tonya Forde's conduct was intentional and fraudulent designed to conceal the truth and to prevent Harrison from discovering her wrongful conduct of misappropriating the Plaintiffs' money.

34. Through the unredacted bank transactions, Harrison learned that Steve Forde had wired funds to Colorado Tech Supply Ltd. Thereafter, on November 9, 2021, Harrison took the deposition of Colorado Tech through its owner, Trevor Vita.

35. During that deposition, Harrison learned that Colorado Tech was acting as a middleman for Steve Forde in the mask transaction. Specifically, Colorado Tech had a contact in Hong Kong who had contacts with Chinese manufacturers.

36. During that deposition, Harrison also learned that Steve Forde was purchasing the masks at issue from Colorado Tech who was purchasing them through its Hong Kong connection. Under the purchase order between Colorado Tech and Steve Forde, Steve Forde was purchasing

the masks at issue from Colorado Tech for \$5,700,000. Under the purchase order with Colorado Tech, Steve Forde was required to wire Colorado Tech 50% of the money which would then be sent to the Hong Kong contact and then the manufacturer, which would begin production of the masks upon receipt of the 50%. Once the masks were produced, the manufacturer would ship them upon receipt of the 50% balance.

37. On April 13, 2020, Steve Forde wired Colorado Tech \$2,863,000 as the 50% deposit to be paid under the Steve Forde/Colorado Tech purchase order. In the deposition of Colorado Tech, Trevor Vita testified that he was advised by his bank to break up the wire to the Hong Kong contact into 2 smaller wires. Thus, Harrison discovered in the Colorado Tech deposition that on April 13, 2020, Colorado Tech initiated a wire to the Hong Kong contact in the amount of \$1.5 million, and then a second wire was initiated to the Hong Kong contact on April 15, 2020 in the amount of \$1,363,750.

38. During the deposition of Colorado Tech, Harrison learned for the first time that Steve Forde could have cancelled the order on April 14, 2020, contrary to his representation to Harrison and Agoglia on April 14, 2020.

39. Specifically, Trevor Vita testified that there became issues with sourcing the masks at issue in a timely fashion and consequently, he asked Steve Forde on a telephone call on April 14, 2020, if he wanted him to cancel the order. Trevor Vita testified that Steve Forde told him he did not want to cancel the order and wanted Trevor Vita to continue to try and find masks to complete the order.

40. During this deposition, Harrison learned that even though Colorado Tech had initiated a wire to the Hong Kong contact on April 13, 2020 in the amount of \$1,500,000, the funds had not yet been transferred from its account and there was a chance the money could be stopped

if they decided to cancel the order. Moreover, Colorado Tech had not yet initiated the wire of \$1,363,750 and had Steve Forde stated he wanted to cancel the order, that wire would not have been sent to the Hong Kong contact on April 15, 2020.

41. Thereafter, on April 17, 2020, Steve Forde sent Colorado Tech an additional \$1,045,000, which Colorado Tech sent to its Hong Kong contact, presumably for 1.1 million masks that had been manufactured. Had the order been canceled on April 14, 2020, this money also would not have been sent to Hong Kong.

42. Had Steve Forde cancelled the order as requested by Harrison and Agoglia on April 14, 2020 when Trevor Vita advised him of such an opportunity, \$2,408,750 would not have been sent to Hong Kong and could have been returned to Harrison. Moreover, an additional \$1,500,000 could have been stopped from reaching Hong Kong and could have been recovered as well and returned to Harrison.

43. Had Steve Forde not misrepresented that the order could have been canceled on April 14, 2020, or not suppressed this fact in response to a direct question, Harrison would have insisted that that the order be cancelled and/or taken steps to prevent additional funds from being sent to Colorado Tech or Hong Kong.

44. Harrison did not and could not have discovered that Steve Forde made the misrepresentation and/or suppression of material fact on April 14, 2020 until it took the deposition of Colorado Tech's owner, Trevor Vita, on November 9, 2021.

45. In the federal court case, the deadline to amend pleadings was July 12, 2021. Because Harrison did not, and could not have, discovered the facts that Steve Forde misrepresented and/or suppressed material facts regarding the ability to cancel the order on April 14, 2020, until November 9, 2021, which was after the deadline to amend pleadings, Harrison was unable to

amend the pleadings in the federal court case to add misrepresentation and suppression claims related to these facts.

46. The federal court case against Steve Forde was tried to a jury the week of August 14, 2023. On August 18, 2023, a jury returned a verdict against Steve Forde and in favor of Harrison in the amount of \$1.1 million. Neither Tonya Forde nor CKC Properties, LLC were parties to the federal court case.

CAUSES OF ACTION

COUNT ONE - CONVERSION

47. Plaintiffs reallege the factual allegations of paragraphs 7-46 as if set forth here in full.

48. Tonya Forde wrongfully and intentionally converted Harrison's and/or Cathexis' personal property by wrongfully benefiting from, taking, detaining, interfering with and assuming ownership, dominion and control over it.

49. Harrison and/or Cathexis demanded the return of the money that was wired into the account jointly owned by Tonya Forde.

50. Tonya Forde, individually or through her agent, used these funds for her own purposes, including but not limited to paying off a judgment against her in the amount of \$172,500, and paying \$385,000 to her company, CKC Properties, LLC.

51. Neither Harrison nor Cathexis consented to Tonya Forde's conduct.

52. As a result of this conversion, Harrison and/or Cathexis has been damaged.

WHEREFORE PREMISES CONSIDERED, Plaintiffs demand a judgment against Defendants Tonya Forde and CKC Properties, LLC, jointly and severally, for compensatory damages, punitive damages, prejudgment interest, attorneys' fees, costs, and all other damages for which Defendants are liable to Plaintiffs.

COUNT TWO – UNJUST ENRICHMENT

53. Plaintiffs reallege the factual allegations of paragraphs 7-46 as if set forth here in full.

54. Harrison and/or Cathexis wired \$5.66 million into an account jointly owned by Tonya Forde based upon representations that the money would be used to purchase KN95 masks as part of a business agreement.

55. Tonya Forde knew that the money was not hers but nonetheless used over \$557,600 for personal uses, including but not limited to paying \$172,600 to satisfy a judgment against her, and \$385,000 to CKC Properties LLC for the purchase of real estate or other personal purposes.

56. Tonya Forde and CKC Properties, LLC hold money and/or the value of such money, which in equity and good conscience belongs to Harrison and/or Cathexis.

WHEREFORE PREMISES CONSIDERED, Plaintiffs demand a judgment against Defendants Tonya Forde and CKC Properties, LLC, jointly and severally, for compensatory damages, prejudgment interest, attorneys' fees, costs, and all other damages for which Defendants are liable to Plaintiffs.

COUNT THREE – MONEY HAD AND RECEIVED

57. Plaintiffs reallege the factual allegations of paragraphs 7-46 as if set forth here in full.

58. Tonya Forde had no right or claim to the funds provided to her by Harrison and/or Cathexis.

59. Tonya Forde had no right to use or appropriate these funds to her own personal use.

60. Tonya Forde and CKC Properties, LLC received money belonging to Harrison and/or Cathexis under circumstances that in equity and good conscience should not be retained by them because in justness or fairness it belongs to Harrison and/or Cathexis.

WHEREFORE PREMISES CONSIDERED, Plaintiffs demand a judgment against Defendants Tonya Forde and CKC Properties, LLC, jointly and severally, for compensatory damages, prejudgment interest, attorneys' fees, costs, and all other damages for which Defendants are liable to Plaintiffs.

COUNT FOUR– MISREPRESENTATION AND/OR SUPPRESSION

61. Plaintiffs reallege the factual allegations of paragraphs 7-46 as if set forth here in full.

62. Steve Forde knew that Harrison and Agoglia were business partners and that any representations he made to Agoglia would be relied upon by Harrison, and vice versa.

63. On April 14, 2020, Agoglia asked Steve Forde if the mask order could be cancelled. Steve Forde stated he would have to check on it.

64. Steve Forde then spoke to Trevor Vita and learned that the order could be cancelled. After learning that the order could be cancelled, on April 14, 2020 Steve Forde intentionally, recklessly, and/or negligently misrepresented to Agoglia that the order could not be cancelled.

65. Alternatively, on April 14, 2020, Steve Forde intentionally, recklessly, and/or negligently, suppressed the material fact that the order could be cancelled after having been asked if the order could be cancelled.

66. Steve Forde had a duty to disclose to Harrison and Agoglia that the order could be cancelled because such was the truthful answer to a direct question.

67. The fact that the order could have been cancelled on April 14, 2020, was a material fact.

68. Harrison reasonably relied on the information representations and omissions of Steve Forde. Had Harrison known that the order could have been cancelled, he would have instructed Steve Forde to do so and return any money that could be recovered, including \$1,363,750 that had not been sent to Hong Kong, and \$1,045,000 that had not been sent to Colorado Tech, or taken steps to prevent additional money from being sent to Colorado Tech or Hong Kong. In addition, had Harrison been told the truth, efforts could have been made to recover the \$1,500,000 from the wire transfer from Colorado Tech to Hong Kong that had been initiated but that had not yet arrived.

WHEREFORE PREMISES CONSIDERED, Harrison, individually, and on behalf of the JV, demand a judgment against Defendant Steve Forde for compensatory damages, prejudgment interest, punitive damages, attorneys' fees, costs, and all other damages for which Defendants are liable to Plaintiffs.

Respectfully submitted,

s/Harlan F. Winn, III

Harlan F. Winn, III (WIN023)

Robert E. Battle (BAT026)

Adam P. Plant (PLA005)

Mallory Morgan Combest (COM020)

Attorneys for Plaintiffs

OF COUNSEL:

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rbattle@battlewinn.com

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DEFENDANT SHALL BE SERVED VIA PROCESS SERVER BY FILER:

Steve Forde

1400 Rosa L. Parks Blvd

Nashville TN 37208

CERTIFICATE OF SERVICE

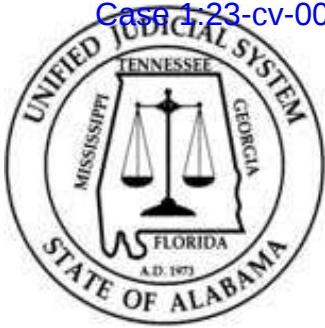
I hereby certify that on September 29, 2023, I electronically filed the foregoing with the Clerk of the Court using the Ala-File system; I have served electronically via email to the following:

Thomas M. O'Hara
O'Hara Watkins, LLC
1307 Main Street
Daphne, AL 36526
Email: tohara@oharawatkins.com
Attorney for Defendant Tonya Forde

And I have mailed by United States Postal Service the document to the following non-AlaFile participants:

CKC Properties, LLC
c/o Corey Fore, Registered Agent
3180 Riverview Pointe Drive
Theodore AL 36582

s/Harlan F. Winn, III
OF COUNSEL



AlaFile E-Notice

02-CV-2023-901983.00

To: HARLAN F WINN III
hwinn@battlewinn.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

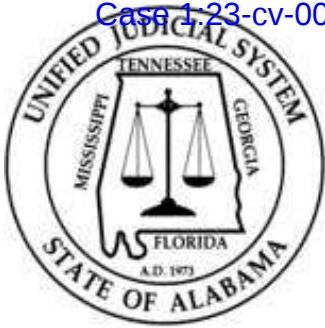
WILLIAM HARRISON ET AL V. TONYA FORDE ET AL
02-CV-2023-901983.00

The following complaint was FILED on 9/29/2023 3:59:45 PM

Notice Date: 9/29/2023 3:59:45 PM

SHARLA KNOX
CIRCUIT COURT CLERK
MOBILE COUNTY, ALABAMA
CIRCUIT CIVIL DIVISION
205 GOVERNMENT STREET
MOBILE, AL, 36644

251-574-8420
charles.lewis@alacourt.gov



AlaFile E-Notice

02-CV-2023-901983.00

To: STEVE FORDE
1400 ROSA L. PARKS BLVD
NASHVILLE, TN, 37208

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

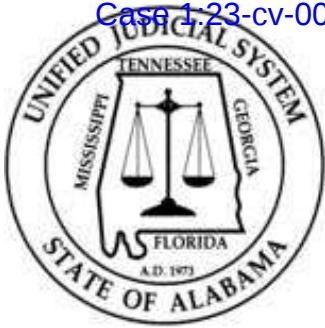
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02-CV-2023-901983.00

To: FORDE TONYA (PRO SE)
3180 RIVERVIEW POINTE DR
THEODORE, AL, 36582-0000

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

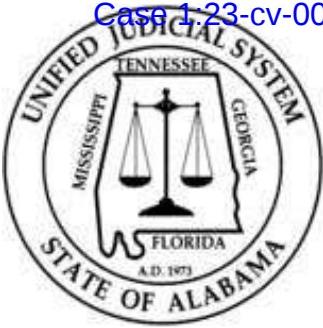
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AlaFile E-Notice

02-CV-2023-901983.00

To: CKC PROPERTIES, LLC (PRO SE)
C/O COREY FORE
3180 RIVERVIEW POINTE DR
THEODORE, AL, 36582-0000

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

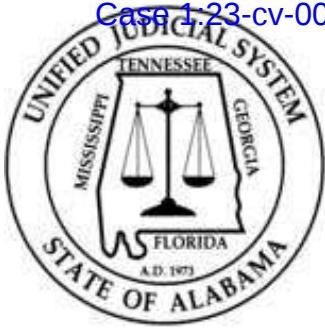
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charles.lewis@alacourt.gov



AlaFile E-Notice

02-CV-2023-901983.00

To: BATTLE ROBERT EUGENE
rbattle@battlewinn.com

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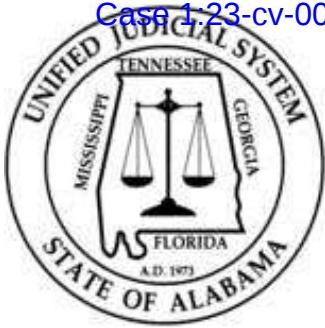
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AlaFile E-Notice

02-CV-2023-901983.00

To: PLANT ADAM PATTERSON
aplant@battlewinn.com

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

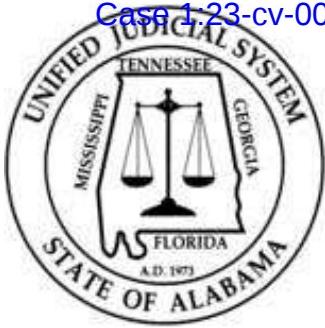
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charles.lewis@alacourt.gov



AlaFile E-Notice

02-CV-2023-901983.00

To: COMBEST MALLORY MORGAN
mmorgan@battlewinn.com

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

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SUMMONS
- CIVIL -

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA
WILLIAM HARRISON ET AL V. TONYA FORDE ET AL

NOTICE TO: STEVE FORDE, 1400 ROSA L. PARKS BLVD, NASHVILLE, TN 37208

(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), HARLAN F WINN III ,

[Name(s) of Attorney(s)]

WHOSE ADDRESS(ES) IS/ARE: 2901 2nd Avenue South, Suite 220, BIRMINGHAM, AL 35233 .

[Address(es) of Plaintiff(s) or Attorney(s)]

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:

- You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.
 Service by certified mail of this Summons is initiated upon the written request below of pursuant to the Alabama Rules of the Civil Procedure.

09/29/2023

(Date)

/s/ SHARLA KNOX

(Signature of Clerk)

By:

(Name)

- Certified Mail is hereby requested.

(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

Certified Mail

- Return receipt of certified mail received in this office on _____ .
(Date)

Personal/Authorized

- I certify that I personally delivered a copy of this Summons and the Complaint or other document to in _____ County, Alabama on _____.
(First and Last Name of Person Served) (Name of County) (Date)

Document left:

- with above-named Defendant;
 with an individual authorized to receive service of process pursuant to Rule 4(c), Alabama Rules of Civil Procedure;
 at the above-named Defendant's dwelling house or place or usual place of abode with some person of suitable age and discretion then residing therein.

Return of Non-Service

- I certify that service of process of this Summons and the Complaint or other document was refused by in _____ County, Alabama on _____ who is:
(First and Last Name of Person Served) (Name of County) (Date)
 the above-named Defendant;
 an individual authorized to receive service of process pursuant to Rule 4(c), Alabama Rules of Civil Procedure;

- As a designated process server pursuant to Rule 4(i)(1)(B), Alabama Rules of Civil Procedure, I certify that I am at least 19 years of age, I am not a party to this proceeding, and I am not related within the third degree by blood or marriage to the party seeking service of process.

(Type of Process Server)

(Server's Signature)

(Address of Server)

(Badge or Precinct Number of Sheriff or Constable) (Server's Printed Name)

(Badge or Precinct Number of Sheriff or Constable) (Telephone Number of Designated Process Server)